

AMENDED IN SENATE JULY 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1227

Introduced by Assembly Member McCarthy

February 21, 2003

An act to amend Section 1874.1 of the Insurance Code, relating to insurance fraud.

LEGISLATIVE COUNSEL'S DIGEST

AB 1227, as amended, McCarthy. Insurance fraud: theft: Bureau of Automotive Repair.

~~Under existing~~

Existing law; authorizes certain governmental agencies ~~are authorized~~ to request that an insurer or other specified person release to the agency any relevant information deemed important relating to a specific motor vehicle theft or motor vehicle insurance fraud, and allows insurers to notify any of these agencies of information regarding a suspected criminal or fraudulent act.

This bill would list the Bureau of Automotive Repair, *for the purpose of investigating auto repair or auto insurance fraud*, among the agencies authorized to request and receive this information, and would provide that it is declarative of existing law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1874.1 of the Insurance Code is amended to read:

1874.1. The following definitions govern the construction of this article, unless the context requires otherwise:

(a) “Authorized governmental agency” means the Department of the California Highway Patrol, the Department of Insurance, the Department of Justice, the Department of Motor Vehicles, the police department of a city, or a city and county, the sheriff’s office or department of a county, a law enforcement agency of the federal government, the district attorney of any county, or city and county, and any licensing agency governed by the Business and Professions Code, including the Bureau of Automotive Repair *for the purpose of investigating auto repair or auto insurance fraud.*

(b) “Relevant” means having a tendency to make the existence of any fact that is of consequence to the investigation or determination of an issue more probable or less probable than it would be without the information.

(c) Information shall be deemed important if, within the sole discretion of the authorized governmental agency, that information is requested by that authorized governmental agency.

(d) “Insurer” means the automobile assigned risk plan established pursuant to Section 11620 of the Insurance Code, as well as any insurer writing insurance for motor vehicles or otherwise liable for any loss due to motor vehicle theft or motor vehicle insurance fraud.

(e) “Motor vehicle” means motor vehicle as defined in Section 415 of the Vehicle Code.

SEC. 2. This act is declarative of existing law.